

CALIFORNIA DEPARTMENT OF SOCIAL SERVICES

The mission of the California Department of Social Services (Department) is to serve, aid, and protect needy and vulnerable children and adults in ways that strengthen and preserve families, encourage personal responsibility, and foster independence. The Department provides aid, service, and protection to children and adults in need of assistance. All Department programs promote the well-being of children, strengthening families, and helping adults and parents achieve their potential for economic self-sufficiency.

The Department is the state agency responsible for child welfare services. The Department supervises county administration of these services through statute, regulations, policy and compliance reviews. It also allocates federal and state funds to counties for administration of the child welfare services system.

Within the Children and Family Services Division, which is the Division that has responsibility for assuring implementation of the Indian Child Welfare Act (ICWA), the principal goals are to assure safe, nurturing homes for at risk children, provide high quality and effective services to families, to other permanency options or to adulthood.

The Department and ICWA

The Department continues to work with the 107 federally recognized California tribes, as well as the approximate 50 tribes of California that are not currently federally recognized.

California is a mandatory Public Law 280 state. This law gives the State concurrent jurisdiction with the tribes and relieves the federal government of that jurisdiction. As a result, California is challenged with a complex relationship with the tribes. As such, issues surrounding tribal sovereignty and liability play a significant role in the relationship. The Department has taken a proactive position to address the many unresolved tribal concerns that are barriers to the tribal/state relationship and have implemented various methods to accomplish this.

Department ICWA Positions

The Department has had a long-standing commitment to promote ICWA and tribal partnerships to address related issues. However, the Department had lacked the resources to pursue those efforts. As a part of its commitment to making improvements on ICWA compliance, the Department established two ICWA Specialist positions. These positions provide staff that can fully devote the necessary time to promote the stability and security of Indian tribes and families pursuant to ICWA and seek to protect the best interests of Indian children through system improvements.

The Department's ICWA Specialist positions are the Department's point of contact for ICWA issues. These positions have become a major resource for county child welfare and probation agencies, and Indian tribes and tribal organizations. Numerous inquiries are received each week requesting information or technical assistance regarding the implementation of and

compliance with ICWA. The Department has received feedback from numerous tribal representatives indicating that the assistance provided by the ICWA Specialists has made a positive difference in the outcomes for Indian children and families.

Child and Family Services Division ICWA Workgroup

Because of the complex nature of ICWA issues and the strategies being considered by the Department, the Children and Family Services Division convened an ICWA Workgroup that focuses on ICWA issues that have been raised by the tribal communities as well as county staff. Department staff consults with the workgroup to identify problems that exist and develop recommendations and solutions for tribes, counties and the State in order to achieve greater ICWA compliance. The workgroup membership currently consists of 26 tribal ICWA workers/advocates, six county child welfare representatives, and nine Department staff. The workgroup meets bi-monthly

Several accomplishments of the Workgroup are:

- Development of the Scope of Work for the Department's ICWA Specialists
- Defining the role of the Workgroup - to consult and negotiate with the Department on ICWA-related issues
- Development of the Department's ICWA training curriculum
- Development of new forms to be used for ICWA noticing purposes
- Recommended revisions to the Department's child welfare services regulations (California Code of Regulations, Division 31) regarding ICWA

Tribal/State Agreements

Child welfare services to Indian children are currently provided either by the local county social services or probation agency in which the children and their families reside. Some tribes intervene pursuant to ICWA and provide such services as the tribe is capable of providing. Clearly, providing available and appropriate State and federal resources would enhance tribal efforts to intervene. When tribal/state agreements are achieved, a tribe will be eligible to be reimbursed in accordance with allocation formulas currently in place for counties. The Department continues to negotiate a tribal/state agreement with the Washoe Tribe of Nevada and California and has recently begun negotiations with the Karuk Tribe to provide child welfare services to their children.

Although the agreements are between the State and the tribes, counties must be involved to achieve a smooth transition of cases from the county to the tribes. Negotiations have and will continue to involve discussions with county administrators, as well as both county and tribal law enforcement, tribal councils and legal counsels of the State, counties and tribes.

California Department of Social Services Regulations

The Department has supported and strengthened the intent of ICWA in its statutes and regulations. State regulations (Division 31 of the California Manual of Policies and Procedures)

summarize key provisions of ICWA, and provide procedures based on ICWA. County social services agencies and probation departments are required to comply with these laws and regulations when a child is identified as having Indian heritage. With the assistance of the ICWA Workgroup the Department is in the final stages of amending the regulations. This will help county workers focus on ICWA throughout the entire child welfare process and not overlook it.

Annual California Indian Child Welfare Act Conference

The Department provides annual funding for the ICWA Conference hosted by California tribes. The mission of the annual conference is to enhance the changing role of tribes by seeking and establishing new and positive partnerships between tribes and federal, State and local governments for the benefit of all Indian children. Several years ago, in an effort to support the independence of tribes in determining the conference agenda and planning the annual event, the Department turned over the conference leadership to the tribal community. The purpose of the conference has been to educate and expose service providers, judges, attorneys, tribal leaders, and social service and probation agency personnel to the provisions of the ICWA. New and positive partnerships between tribes and federal, State and local governments have been established.

ICWA Roundtables

The ICWA Specialists continue to attend and participate in several county ICWA roundtables that allow for discussion of issues regarding local ICWA compliance. The purpose of these roundtables is to educate all involved on ICWA, how to comply with it, and promote discussions of issues regarding local ICWA compliance. Attendees of the roundtables often consist of local juvenile court judges/referees/commissioners, local tribes and tribal organizations, county social services and probation agencies, law enforcement and others that have an interest in Indian children and families in the child welfare or delinquency system. Several counties have utilized their roundtables to develop protocols to be followed by the child welfare and probation staff and the local tribe(s) to assure a mutual understanding of the responsibilities of all of the parties.

ICWA Training

The Department, with the assistance of the ICWA Workgroup and Sonoma State University, completed development of the ICWA training curriculum. The curriculum focuses on the historical basis and purpose of ICWA, the essential elements of compliance with the Act, and the role of tribes and tribal representatives in child custody proceedings. A Handbook on ICWA, which includes sources of information and support to aid in the implementation of ICWA, was developed as a resource guide that is provided to all training participants. Three pilot trainings were conducted to test the curriculum. Modifications and additions were made as a result of these pilots.

Seven ICWA trainings have been conducted statewide. Each was hosted by a local tribe or tribal organization. More than 500 county child welfare and probation staff, juvenile court

judges/referees/commissioners, county counsels, and tribal representatives attended the training. Very positive evaluations have been provided by the attendees.

More specific focus on how ICWA applies in the delinquency courts and with probation officers has been undertaken. The Department, with assistance of the ICWA Workgroup and several county probation staff, has revised the existing ICWA training curriculum to better address probation practice. Five regional trainings are being conducted utilizing this probation-specific curriculum.

Judicial Council of California - Administrative Office of the Courts Indian Child Welfare Act Full Compliance Project

The Department has contracted with Judicial Council's Administrative Office of the Courts to improve understanding of and compliance with ICWA by judges and court staff. The ICWA Full Compliance Project will make available a range of cross discipline facilitation and training services provided by the Judicial Council project team and outside consultants. Training and technical assistance will be tailored to the needs of the local county or region. In addition, local protocols, standing orders, grievance procedures, legal and data supported research memoranda, journal articles and other materials compiled and developed during the county-based facilitation and training process will be compiled and made available on a state-wide basis.